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EXAMINER	
HUYNH, BA	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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	Application No.	Applicant(s)	
Office Action Summary	10/680,542	MODY ET AL.	
	Examiner	**Art Unit**	
	Ba Huynh	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *06 April 2011*.
2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-18* is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-18* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a)☐ All b)☐ Some * c)☐ None of:
1.☐ Certified copies of the priority documents have been received.
2.☐ Certified copies of the priority documents have been received in Application No. _____.
3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

CLAIM REJECTIONS - 35 U.S.C. §103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over ViewSonic (Publication # A-CD-ViewPad 1000-1, 2001), in view of Wonderware, in view of Tani et al (US patent application 2004/0227739) .

As to independent claim 1, ViewSonic teaches a tablet personal computer system including: a human-machine interface ("touch screen," pp. 24, 2nd paragraph), including a touch-sensitive display region ("thin membrane on top of the LCD display that responds to mechanical pressure on the screen's surface." pp. 24, 3rd paragraph), integrated into a tablet personal computer (Figure 1, pp. 5); a wireless communication resource (built-in 802.11b Wi-Fi LAN adapter, pp. 4, 2nd paragraph). ViewSonic does not expressly disclose a set of one or more application programs relating to supervisory control of industrial processes, wherein the application programs interact with a user via a set of tablet PC interface services associated with the human-machine interface.

Wonderware is cited for teaching the set of one or more application programs relating to supervisory control ("It allows Managers and Supervisors the ability to view a HMI application process in real time." pp. v, Under FactoryFocus) of industrial processes (i.e."InTouch provides a notification system to inform operators of process and system conditions." pp. ii, Under Special InTouch Features), wherein the application programs interact with a user ("You can also make the pump symbol a touch-sensitive pushbutton that the operator can…touch [u]sing a touch screen[,] to turn the pump on and off." pp. 5-1, 1st paragraph) via a set of tablet PC interface services associated with the human-machine interface (e.g."InTouch services, Wonderware Logger, Wonderware SuiteLink and Wonderware NetDDE Helper…" pp. A-7, 1st paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Wonderware's "InTouch" application programs relating to supervisory control of industrial processes in Viewsonic's "ViewPad 1000 Tablet PC" system, wherein the application programs interact with a user via a set of tablet PC interface services associated with the human-machine interface, because Wonderware expressly teaches the use of Microsoft Windows CE client devices (pp. 10-18, last paragraph), that were at the time the invention was made, well known to run on tablet computers. The teachings were especially suggestive in light of the desirability of having a feature commonly associated with tablet PC's, namely, a touch screen (e.g."touch screen" pp. 5-1, 1st paragraph). Furthermore, those ordinarily skilled in art would have been motivated to seek out more efficient tablets to be used with Wonderware in view of the expressed art recognized problem (e.g."…a device that uses Microsoft Windows CE as its operating system will not operate as quickly as the same device would if it used Linux…" (emphasis added)(pp. 10-18, last paragraph) of the speed of tablets. Finally, at the time the invention was made, there was a reasonable expectation of success since Wonderware made the express recommendation ("we recommend the following hardware and software:" pp. vi) to use an identical operating system as that of the ViewSonic tablet ("Microsoft Windows 2000," pp. vi; see also "InTouch runs on Microsoft Windows 2000…" pp. vii, Under: Installing InTouch). Accordingly, the combined teachings of the references, as a whole, would have suggested to those of ordinary skill in the art at the time the inventions was made that the use of ViewSonic's ViewPad 1000 (Tablet PC) in conjunction with Wonderware's "InTouch" application is a desirable advantage.

Even though Wonderware suggests on page "v" that the factory focus allows managers and supervisors the ability to view HMI applications in real time and Wonderware teaches (See page "i") that the FactorySuite of HMI applications can include food processing, semiconductors, oil and gas an automotive markets, Viewsonic in view of Wonderware does not suggest: a set of one or more application programs relating to supervisory control of industrial processes, wherein the application programs interact with a user via a set of tablet PC interface services incorporated into individual ones of the application programs, the set of tablet PC interface services each being associated with a function performed by the human- machine interface.

However, implementation of application programs relating to supervisory control of industrial processes is a field of intended use and is well known in the art. Tani expressly teaches an HMI interface with a touch screen integrated in a tablet (0055) with supervisory control and management (0007), data acquisition, alarm handling, character recognition, pen input, etc (See fig 5, par 52, 60, 67-69). Accordingly, it would have been obvious to one of ordinary skill in the art at the time of the invention having the teachings of ViewSonic, Wonderware and Tani in front of them to modify Viewsonic in view of Wonderware and the mentioned HMI applications to have the tablet services incorporated into the applications associated with functions performed by the HMI applications. The motivation to combine is to take advantage of the latest state of the art process controls and optimization functions and display features in an all in one package that is a compact form. Although ViewSonic clearly teaches the pen input tablet and annotation, ViewSonic fails to clearly teach the pen input panel and the screen image annotation. However Official Notice is taken that implementation of pen input panel and screen annotation is well known in the art of pen-based device (see the pen input panel in US 2003/0189603, fig 5D, element #403; and the screen image annotation in US 2009/0100368, fig 14). It would have been obvious to one of skill in the art, at the time the invention was made, and in light of ViewSonic's teaching of pen based input and annotation to combine the well known implementation of the pen input panel and screen image annotation to ViewSonic. Motivation of the combining is for supporting the pen input and annotation functions disclosed by ViewSonic.

As to dependent claim 2, ViewSonic further teaches that the human-machine interface includes an electronic pen user interface ("The cursor on the screen is controlled using the stylus." pp. 24, 3rd paragraph). Therefore, it would have been obvious to one having ordinary skill in the art at the time of the invention to have used the electronic pen user interface of ViewSonic with Wonderware's "InTouch" application for the explicit reasons discussed herein above.

As to dependent claim 3, ViewSonic teaches the handwriting recognition software ("PenOffice adds natural handwriting recognition capability to your ViewPad 1000 that works for all hand writing styles – cursive, print, or mixed…Pen strokes written in any application window are analyzed by PenOffice." pp. 31).

As to dependent claim 4, ViewSonic expressly teaches the handwriting input recognition panel (i.e. the area on "the screen [where] drawing on the screen as handwriting interprets it then send the result to the active application window…" pp. 32; i.e. the "…LCD display that responds to mechanical pressure on the screen's surface…" pp. 24, 3rd paragraph).

As to dependent claim 5, ViewSonic further teaches the annotation functionality ("ScreenDraw Mode" pp. 32, 2nd & 3rd paragraph) enabling capture and annotation ("…writing, highlighting, or drawing…" pp. 32, 2nd paragraph), using the electronic pen user interface ("The cursor on the screen is controlled using the stylus." pp. 24, 3rd paragraph), of a view displayed ("…intended drawing area…" pp.32, 2nd paragraph) on the tablet personal computer ("PenOffice adds a natural handwriting recognition capability to your ViewPad 1000..." pp. 31, 1st paragraph)(emphasis added).

As to dependent claim 6, ViewSonic, further teaches the review, edit, and annotation functionality ("ScreenDraw Mode" pp. 32, 2nd & 3rd paragraph) enabling capture and annotation ("…writing, highlighting, or drawing…" pp. 32, 2nd paragraph), using the electronic pen user interface ("The cursor on the screen is controlled using the stylus." pp. 24, 3rd paragraph), of a view displayed ("…intended drawing area…" pp.32, 2nd paragraph). ViewSonic does not teach the application program being used for supporting collaborative design functionality for industrial process control. Wonderware is cited for teaching the application programs used for supporting the collaborative design functionality ("Administrators have access to system management tools and can perform all administrative tasks, including software installation, as if they were performing them locally at the server." Pp10-6, 3rd full paragraph; see also "Terminal Services extends the model of distributed computing by allowing computers to operate as both thin clients and full-featured personal computers simultaneously." pp. ii, Under special InTouch features; see also "Alarms can be acknowledged on the local InTouch node or from a remote node on the network." pp. ii, Under: Enhanced Distributed Alarm System) for industrial process control ("…HMI application process[es]," pp. v, Under FactoryFocus). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the application programs used for supporting the collaborative design functionality for industrial process control with ViewSonic as taught in Wonderware because, in addition to the motivations addressed with regard to claim 1 above, ViewSonic contains teachings directed toward the same problem of "server-based computing" (pp. 30, Under Citrix ICA Client) and suggests it "…enables your ViewPad 1000 to function as a terminal when connected to a server…When [the] connection is established, you can access applications and work with files as if you were working at [the] server itself." (pp. 30, Under Citrix ICA Client). Moreover, Wonderware specifically suggests the use of ICA ("ICA provides greater flexibility than RDP, with client software available for Unix, Linux, OS/2, DOS, Windows CE, PDA, Java, and Macintosh, in addition to Windows 3.11/95/98/NT and Windows 2000…The ICA protocol is fully supported by Windows 2000" pp.10-4, mid. page). Accordingly, the combined teachings of the references, as a whole, would have suggested to those of ordinary skill in the art at the time the inventions was made that the use of ViewSonic's ViewPad 1000 (Tablet PC) in conjunction with Wonderware's Intouch application is a desirable advantage.

As to dependent claim 7, ViewSonic fails to teach the set of applications to include a production management application program supporting access to a set of databases. However, Wonderware teaches that the set of applications includes a production management application program ("…these applications in your production environment…" pp.10-19, 2nd to last paragraph) supporting access to a set of databases ("…capabilities of the standard InTouch history by allowing remote retrieval of data from multiple historical databases simultaneously." Pp.3-26, Under Distributed History). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Wonderware's "InTouch" application programs supporting access to a set of database that relate to production management in Viewsonic's "ViewPad 1000 Tablet PC" system because: (1) Wonderware suggests its "InTouch" application for use on the same Windows 2000 operating system as Viewsonic's "ViewPad 1000 Tablet PC" ("…InTouch [is] the quickest and easiest way to create human machine interface (HMI) applications for the Microsoft Windows 2000…operating systems…" pp. i, 1st paragraph); which (2) executes, among other things, InTouch's "Application Manager" Microsoft Windows application, (""…database utilities are also launched from the Application Manager." pp. i, 5th paragraph); and (3) Wonderware further suggests Viewsonic's hardware functionality and software configuration ("…touch-sensitive display windows. These display windows can be connected…Microsoft Windows applications." pp. i, 6th paragraph).

As to dependent claim 8, ViewSonic fails to teach the set of application programs to include application verification software for confirming proper design logic by setting values and observing statuses of controlled equipment. Wonderware teaches that the set of application programs includes application verification software ("Distributed Alarm System", pp.7-35, 1st paragraph) for confirming proper design logic ("The options are verified for proper entries…" pp. 7-44, 2nd paragraph) by setting values ("input", pp. 7-44, 2nd paragraph) and observing statuses of controlled equipment (InTouch has two types of notifications to inform operators of process activity: Alarms and Events." Pp.7-7, 1st paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Wonderware's "InTouch" application, which includes verification software, in Viewsonic's "ViewPad 1000 Tablet PC" system because Wonderware teaches the desirability to use a "touch-sensitive" (pp. 5-10, 1st paragraph) screen with the verification software for confirming proper design logic ("They allow the operator to input data into the system…the operator may turn a valve on or off, enter a new alarm setpoint, run a complex logic script or log on using text strings, and so on." Pp. 5-10, 1st paragraph) and coupled with the motivations previously discussed, with respect to claim 1, suggested as a whole, that the running "InTouch" on Viewsonic's Tablet PC hardware would have been sought-after especially in light of the specific articulation for Viewsonic's operating system coupled with its touch screen functionality ("The operator [can] activate [the] touch-sensitive pushbutton by[:] touching the object (when using a touch screen)..." (pp. 5-10, 3rd paragraph). In the alternative, Tani teaches a preview process for verifying proper functioning of the system (0402).

As to dependent claim 9, ViewSonic's handwritten recognition is a software enabling data entry for controlling a plant floor device. Wonderware also teaches that the set of application programs includes application software enabling data entry ("For example, an operator could enter a setpoint value of 0-300 GPM in a data entry window and have a value of 6400-32000 transmitted to the PLC register." pp.4-104, mid. page) for controlling a plant floor device ("plant floor", pp 4-57, 1st paragraph).

As to dependent claim 10, ViewSonic further teaches an integrated camera ("The built-in camera allows you to record video and take still photos." pp. 26, Under Using the Digital Camera), and wherein the set of application programs includes application software supporting capturing an image ("Camera Utility Software" pp.26, Under Using the Digital Camera) and further annotating ("...writing, highlighting, or drawing..." pp. 32, 2nd paragraph) the captured image ("...part of the screen to be saved...as a bitmap", pp. 32, Under ScreenDraw mode). In addition, Tani teaches the implementation of monitoring camera (0007)

As to dependent claims 11–12, ViewSonic further teaches that the integrated camera is both a still image camera and a video camera. (“The built-in camera allows you to record video and take still photos.” 26, Under Using the Digital Camera)(emphasis added).

As to dependent claim 13, ViewSonic fails to teach that the set of application programs includes application software for receiving data input for entry into a database. However, Wonderware did teach that the set of application programs includes application software (e.g."Alarm DB Logger,” pp. 7-82, Under Alarm DB Logger Utility) for receiving data input for entry into a database (“The Alarm DB Logger Configuration Utility provides you with the ability to…Create the necessary SQL tables in the database…”pp 7-83, top of page; see also “The .AlarmUserDefNum1, AlarmUserDefNum2, and AlarmUserDefStr dotfields allow you to assign one or more values to be attached to the alarm record when it is reported. These values are written to the database…” pp 7-68, 1st paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Wonderware’s “InTouch” application, which includes software for receiving data input for entry into a database, in Viewsonic’s “ViewPad 1000 Tablet PC” system because, in addition to the reasons set forth above in the treatment of claim 1, Wonderware further teaches that “The InTouch Distributed Alarm system includes the Alarm DB Logger utility that logs alarms and events to Microsoft SQL Server and/or Microsoft Data Engine (MSDE).” pp. 7-82, Under Alarm DB Logger Utility), which were Microsoft Applications that, at the time the invention was made, were known to run on the Microsoft Windows 2000 operating system.

As to dependent claims 14–15, ViewSonic fails to teach that the set of application programs includes application software facilitating either online or offline data analysis. Wonderware teaches that the set of application programs includes application software facilitating either online or offline data analysis (“InTouch is designed to support both stand-alone and distributed applications.” pp 3-1, 1st paragraph). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Wonderware’s “InTouch” application, which includes software facilitating either online or offline data analysis, in Viewsonic’s “ViewPad 1000 Tablet PC” system because, in addition to the reasons set forth in the treatment of claim 1, Viewsonic suggests “Stand-alone applications are generally easier to configure, with minimal to no networking, and require only simple maintenance.” (pp 3-1, 1st paragraph).

As to dependent claims 16–17, ViewSonic further teaches that the set of application programs includes application software incorporating a user interface for selectively capturing (see Camera Image Window, Figure 17; see also “Click camera icon…” pp. 27, item #4; see also “Adjust Resolution icon” pp. 27, last paragraph) and annotating via handwritten input real time information (“…writing, highlighting, or drawing…” pp. 32, 2nd paragraph). ViewSonic does not teach the application program being used for end-of-shift events. Wonderware further teaches performing software related tasks at the end of a shift (“End-of-Shift event.” pp. 10-15 Under Script Execution). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used Wonderware's "InTouch" application, which includes software for receiving data input for entry into a database, in Viewsonic's "ViewPad 1000 Tablet PC" system because, in addition to the reasons set forth above in the treatment of claim 1, Wonderware further teaches using the "InTouch" software along with video and its scripts for end-of-shift events ("...excessive video processing or when several applications have the same script triggers defined such as an End-of-Shift event." pp. 10-15 Under Script Execution).

As to dependent claim 18, ViewSonic further to teaches user authentication mechanisms ("It is recommended that you require users to press Ctrl-Alt-Delete before logging on. This ensures password security and helps protect the system from harmful programs." pp. 36, Figure 25).

A reference to specific paragraphs, columns, pages, or figures in a cited prior art reference is not limited to preferred embodiments or any specific examples. It is well settled that a prior art reference, in its entirety, must be considered for all that it expressly teaches and fairly suggests to one having ordinary skill in the art. Stated differently, a prior art disclosure reading on a limitation of Applicant's claim cannot be ignored on the ground that other embodiments disclosed were instead cited. Therefore, the Examiner's citation to a specific portion of a single prior art reference is not intended to exclusively dictate, but rather, to demonstrate an exemplary disclosure commensurate with the specific limitations being addressed. In re *Heck*, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re *Lemelson*, 397 F.2d 1006, 1009, 158 USPQ 275, 277 (CCPA 1968)). In re: *Upsher-Smith Labs. v. Pamlab, LLC,* 412 F.3d 1319, 1323, 75 USPQ2d 1213, 1215 (Fed. Cir. 2005); *In re Fritch,* 972 F.2d 1260, 1264, 23 USPQ2d 1780, 1782 (Fed. Cir. 1992); *Merck & Co. v. Biocraft Labs., Inc.,* 874 F.2d 804, 807, 10 USPQ2d 1843, 1846 (Fed. Cir. 1989); *In re Fracalossi,* 681 F.2d 792,794 n.1, 215 USPQ 569, 570 n.1 (CCPA 1982); *In re Lamberti,* 545 F.2d 747, 750, 192 USPQ 278, 280 (CCPA 1976); *In re Bozek,* 416 F.2d 1385, 1390, 163 USPQ 545, 549 (CCPA 1969).

Response to Arguments

Applicant's arguments with respect to amended claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

Remarks:

In response to the argument that the combined references does not teach the pen input panel and the screen image annotation, the limitations have been addressed as set forth in the rejection of claim 1. Tani teaches a text input field (0241) and image editing area (0247). Tani clearly suggests the use of other input devices such as character recognition apparatus other than keyboard (0169). This teaching of Tani fairly suggests the implementation of pen input panel and screen image annotation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ba Huynh whose telephone number is (571) 272-4138. The examiner can normally be reached on Mon - Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ba Huynh/
Primary Examiner, Art Unit 2179